

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SUSAN B. LONG and DAVID BURNHAM,

Plaintiff,

vs.

5:17-CV-506

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

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Transcript of an Evidentiary Hearing held on
August 15, 2019, at the James Hanley Federal
Building, 100 South Clinton Street, Syracuse,
New York, the HONORABLE BRENDA K. SANNES, United
States District Judge, Presiding.

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I N D E X O F T E S T I M O N Y

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Curtis A. Hemphill	8 62	40 68	-- 71	-- --
Patricia DeCastro	79	--	--	--
Susan B. Long	111	--	--	--

Curtis Hemphill - Direct

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1 case management is happening in the EARM system that relates
2 back to the EID, in other words, if you enter something in a
3 field in EARM, it updates the EID but the case management
4 itself happens in the EARM.

5 Q And is that your answer as to why that particular
6 statement is not correct, that it can -- the data can be, can
7 easily be managed, updated, and searched for specific
8 information?

9 A Yes.

10 Q Can you clarify that a little bit further for us,
11 please.

12 A Yeah. Just to clarify, I don't agree with that
13 statement that the case management or that the data
14 management is happening in those databases. The management
15 of those encounters, detainers, removals happens in the EARM.

16 Q And can you explain EARM just a little bit for us?

17 A EARM is a -- a user application that is utilized by
18 officers in the field and the support staff who help us
19 manage cases in the docket control offices, and essentially
20 what it is is it's a snapshot, so when the user goes in to
21 EARM and enters an identifier such as an alien number or an
22 FBI number, or a subject ID, they can retrieve data from the
23 EID that allows them to see the -- either the information
24 related to that encounter or to the encounters that are
25 linked to that person in EARM.

Curtis Hemphill - Direct

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1 Q On page 3, the next paragraph that starts with, "In
2 another FOIA case," you see where I'm pointing to?

3 A I do.

4 Q In that paragraph plaintiff states, "ICE confirmed that
5 'Records can be retrieved from IIDS using descriptors entered
6 by an officer specific to a person, such as alien number,
7 subject ID, date of birth, or miscellaneous number such as an
8 FBI number.'" Is that statement accurate?

9 A No, we would not retrieve data from the IIDS using an A
10 number or an FBI number. Again, as I said a moment ago, if
11 we were looking for information regarding an encounter or a
12 person, we would run that identifier in EARM and it would
13 retrieve the data from EID. The IIDS is a separate data
14 system that is used for reporting purposes.

15 Q And is that why you would not retrieve data from IIDS
16 using an alien number or date of birth?

17 A Correct. When we retrieve data from the IIDS, it's
18 through the use of a query that generally involves a number
19 of variables to produce that information from the IIDS. I
20 don't run queries myself, I'm an officer, but I work with the
21 analysts and the statisticians that do and I've never seen a
22 query that involved just one field from the database.

23 Q And by one field, what do you mean by that? Can you
24 give us an example of what you mean by that?

25 A An A number or an FBI number.

1 our detainers population, we would run it against our
2 removals population to see if there was a common link there
3 for those cases and where it did, we would report that there
4 were this many detainers that had this many removals. That
5 is a ad hoc type report that we don't generally have a need
6 to do in the course of our normal reporting, unless it's
7 specifically requested.

8 THE COURT: And what would the link be, how do you
9 know a detainer's linked to removal?

10 THE WITNESS: At the point where the officer goes
11 into the EARM, to the dashboard, assuming that -- and there's
12 a lot of assumptions here and a lot of data quality issues
13 that we know exist in the system because of the way it's
14 designed, but from a basic standpoint if an officer goes into
15 EARM and runs say an alien number, that is generally common
16 to a lot of the documentation that we use to, in removal
17 proceedings, and the results set of that alien number is that
18 it would bring it up in EARM, again, this is not linked to a
19 database but in the EARM application, it will bring up
20 everything that's related to that A number, or everything
21 ever populated with it, and it would say, here's three
22 detainers over here, here's two encounters where that subject
23 was interviewed in an incarceration setting and the officer
24 has the ability in the EARM to say, I want to take this
25 interview and that detainer and I want to create a case with

1 that, in the system. And once they do that, it generates a
2 case ID that then copies back to the EID and now there's a
3 case ID in the system. So that would be a way of linking
4 those through, and again, I'm not a database expert but what
5 I've been explained to by the, by our analysts is that they
6 would go through different dimensions in the database, so
7 they would say, to answer this, because it involves a removal
8 I'm going to go through this case dimension because there has
9 to be a case dimension, and I'll go look for the detainers
10 that are associated in that dimension. I hope that's not too
11 technical.

12 THE COURT: No. So that when, when ICE previously
13 responded to these types of FOIA requests, did they have to
14 go into the EARM?

15 THE WITNESS: No. So when ICE was previously
16 reporting it to this -- you mean prior to July 2016 when we
17 changed our posture for FOIAs, they were writing queries that
18 would do what I just described. Would say, you know, start
19 with the detainers population, filter for this, group this
20 together, now go look with this in this other dimension to --
21 for the case dimension for removals and associate them all
22 together, and then send us back a batch of data that meets
23 all those criterias that are in the query. And some of that
24 was done after the data was pulled out, it would be
25 manipulated by the analyst to do certain things, some of it